

**MINUTES  
OF THE  
TOBACCO EDUCATION AND RESEARCH OVERSIGHT COMMITTEE**

**OCTOBER 9, 2001**

Department of Health Services  
Malcolm Merrill Conference Room  
601 N 7<sup>th</sup> Street, Sacramento, CA 95814

**MEMBERS PRESENT:**

Bruce Allen, Ph.D.  
Ron Arias  
Stella Aquinaldo-Bialaus, Dr.P.H.  
Lourdes Baezconde-Garbanati, Ph.D.  
Theresa Boschert, J.D.  
Gregory Franklin  
Alan Henderson, Dr.P.H.  
Susanne Hildebrand-Zanki, Ph.D.  
Kirk Kleinschmidt  
Rod Lew  
Cheryl Raney  
Dorothy Rice

**MEMBERS ABSENT:**

None

**VACANCIES (APPOINTING AUTHORITY)**

Target Population Group Representative (Governor)

**OTHERS IN ATTENDANCE:**

Dileep G. Bal, M.D., Chief, Cancer Control Branch, Department of Health Services (DHS)  
Diana Bontá, R.N., Dr.P.H., Director, DHS  
Wade Brynerson, Director of Learning Supp. & Partner Division, Department of Education (CDE)  
Francisco Buchting, Tobacco Related Disease Research Program (TRDRP)  
Jennie Cook, American Cancer Society (ACS)  
Mike Dougherty, Next Generation Alliance  
Laura Eastman, Ground Zero Advocates  
Dennis Eckhart, J.D. Tobacco Litigation and Enforcement Unit, Department of Justice  
Phillip Gardiner, Ph.D., TRDRP  
Larry Gruder, Ph.D., Director, Special Research Projects, University of California (UC)  
Rich Heintz, Local Lead Agency Project Directors Association  
Cindy Jones, Sacramento County Office of Education  
Pat Kemp, Department of Finance (DOF)

Melissa Kilpatrick, Tobacco Control Section (TCS), DHS  
Diane Kiser, BREATH, American Lung Association (ALA), East Bay  
Rae Kine, Healthy Kids Program Office (HKPO), Department of Education (CDE)  
Paul Knepprath, ALA  
Jon Lloyd, Chief, Data Analysis & Evaluation Unit, TCS, DHS  
Peter Mackler, Chief, Southern California Policy Liaison, DHS  
Cassandra Makey, Consultant  
Carolyn Martin, Tobacco Policy Consultant  
John Miller, Senate Health Committee  
Sharon Muraoka, ACS  
Tony Najera, Consultant  
Greg Oliva, TCS, DHS  
Ken O'Neill, TCS, DHS  
Cathy Palmer, Chief, Administration & Program Support Unit, TCS, DHS  
Cecilia Portugal, Hispanic/Latino Tobacco Education Network  
Lisa Rea, American Heart Association  
Theresa Renken, ACS  
Emily Reynolds, Gold Country Regional Project  
Steven Richards, ACS  
Kevin Reilly, Deputy Director, Prevention Services, DHS  
Doug Robbins, Chief, Local Programs Unit, TCS, DHS  
April Roeseler, Chief, Local Programs & Evaluation, TCS, DHS  
Tivo Rojas, TCS, DHS  
Bill Ruppert, TCS, DHS  
Bob Sands, DOF  
Margaret Shield, TRDRP  
Colleen Stevens, Chief, Media Unit, TCS, DHS  
Roxanna Ursua, Asian Pacific Islander Tobacco Education Network  
Myra Young, CDE

## **1. WELCOME, INTRODUCTIONS AND OPENING COMMENTS**

The Interim Chairperson, Professor Dorothy Rice, called the meeting to order at 10:10 a.m. She noted that nine of the members at the meeting were new, that only three were continuing members, and that there remains one vacancy. She introduced herself and described her background. Each of the other members introduced themselves and explained their backgrounds, emphasizing experience in tobacco related research, education and prevention. Professor Rice then asked the audience to introduce themselves and give their affiliation.

Professor Rice introduced Diana Bontá, R.N., Dr.P.H., Director, DHS who then addressed the committee. Dr. Bontá said she looks forward to the active advocacy of TEROC and its advice to the Department. She stated that in the past TEROC has not been a quiet, timid organization, but rather has pushed the tobacco control program to be the most aggressive in the world. She urged the Committee to continue to set ambitious goals and help the Department to set program

direction. She praised TEROC for its strong stand on the media approval process, and said that, although there will be times when she and TEROC will not agree, she values TEROC's input. She said that in the past she has looked to TEROC for advice and shall continue to do so in the future.

## **2. RECOGNITION OF OUTGOING MEMBERS**

Dr. Bal expressed his appreciation of the work of all of the outgoing members of TEROC. He discussed the history of the involvement and leadership of Jennie Cook, outgoing TEROC Chairperson, in the work of TEROC. He said she has been a superb leader in the American Cancer Society, that she has been a dynamic, unafraid, guiding light to the Committee, and that he will miss her on the Committee. Dr. Bontá said that she went frequently to Mrs. Cook on matters of tobacco control, that Mrs. Cook has been most helpful and that she will continue to seek help from Mrs. Cook. Dr. Bal then presented Mrs. Cook a certificate of appreciation from the Department.

## **3. TEROC CHAIR DISCUSSION**

The Interim Chairperson explained that she had agreed to conduct this meeting but that she does not wish to become the chairperson for a number of reasons. She suggested and it was agreed that the election of a Chairperson be the first agenda item at the next meeting. She suggested that members give thought to this in the meantime and be prepared to select a chairperson. She asked if any member would like to declare interest in being chairperson. Dr. Alan Henderson and Mr. Kirk Kleinschmidt stated they would be interested.

## **4. APPROVAL OF MINUTES AND REVIEW OF CORRESPONDENCE**

With a correction of a typographical error, the minutes of the May 17, 2001 meeting were approved.

As decided at the previous meeting, a letter from the Committee chairperson had been sent to the Department of Health Services commending it on completing and airing the new media ads. A copy of the letter was sent to members.

The Committee received a letter from the Local Lead Agency Project Directors' Association regarding the continued funding of a specific project. The Interim Chairperson added this to the agenda for this meeting.

## **5. LEGISLATION AND TOBACCO PROGRAM APPROPRIATION**

Some members asked that legislation be a standing item for TEROC meetings and that the status of relevant legislation be discussed at this meeting. Dr. Bontá and others related information on relevant legislation. A complete text of tobacco-related laws can be found at [www.leginfo.gov](http://www.leginfo.gov).

**SB 322 (Ortiz)** prohibits the importation, distribution or sale of the tobacco product “bidis.” The law does not apply to businesses that prohibit the presence of minors. The bill was passed and signed by the Governor.

**AB 188 (Vargas)** prohibits the smoking or disposal of cigarettes and other tobacco-related products within a playground or tot lot sandbox area. The bill was passed and signed by the Governor.

**AB 744 (Wesson and Koretz)** declares the intent of the Legislature to license and regulate those businesses that manufacture, distribute and sell tobacco products. This bill is on hold.

**AB 757 (Ortiz)** prohibits the sale and display of cigarettes through self-service display; prohibits the distribution of free or low-cost tobacco products on private grounds; prohibits the manufacture/distribution of cigarettes in packs less than 20, and authorizes DHS to conduct compliance checks in response to public complaints, and to investigate Internet, phone, and mail order sales of tobacco to minors.

**AB 1015 (Wright)** prohibits discrimination against employees and applicants for employment engaged in specified lawful conduct outside of employment, includes employers’ right to restrict the use of tobacco products by firefighters. The bill was passed and signed by the Governor.

**AB 430 (Cardenas)** along with the State Budget Act creates a Master Settlement Fund and appropriates \$20 million to the tobacco control program from the \$401,092,000 fiscal year 2001-02 Master Settlement Agreement (MSA) payments by the major U.S. cigarette manufactures. This bill was passed and signed by the Governor.

There was discussion of the appropriation of California’s MSA monies to the tobacco control program. Of the \$20 million appropriated in the current-year State Budget, \$5 million is one-time only and \$15 million is ongoing. Some members stated that the \$20 million is only 3 percent of the total annual California MSA payment amount and that TEROC should advocate for 20 percent. The Committee was reminded from the audience that the TEROC Master Plan declares the Committee’s commitment for \$105 million for tobacco control from the annual MSA payments. It was agreed that there is need for further discussion of this matter.

## **6. PROGRAM OVERVIEWS BY AGENCIES**

**6a.** Department of Health Services (DHS). DHS staff led a review of the statutory language regarding the membership and statutory role and functions of the Committee. Some of the newly appointed members expressed concern that the term of their appointment expires on January 1, 2002. It was explained to them that each slot of the 13 members of TEROC has a defined two-year term period which runs whether the slot is filled or vacant, and that all appointed members continue as voting members until they are reappointed or replaced. The Interim Chairperson suggested that she send a letter to the appointing authorities asking for reappointment of members where this is necessary.

Regarding TEROC's role to advise and to make recommendations regarding tobacco education, prevention and research programs, it was explained that in the past the Committee has avoided getting involved in specific funding decisions.

Concerning statutory language requiring a Master Plan and a legislative report, it was explained that the language required DHS, with advice from TEROC, to submit a report to the State Legislature each year in January and also required TEROC to prepare a Master Plan every two years. However, subsequent legislation cancelled the requirement for a legislative report. In lieu of a legislative report, DHS now publishes various reports on different aspects of the program periodically. Also, it was noted that the requirement for TEROC to produce a new Master Plan every two years has expired, although TEROC is authorized to continue to produce them if it chooses.

It was pointed out that TEROC possesses very important authority to make recommendations to DHS, CDE, and the University of California regarding policy and program direction. A member commented that the role of TEROC to look at unspent funds is also important.

The Interim Chairperson noted that the next Master Plan will be due on January 1, 2003, and that moving this task forward will be a duty of the new chairperson.

Mr. John Miller from the Senate Health Committee, summarized the history of the creation of TEROC as an advisory and advocacy group authorized to oversee governmental entities and review their performance. He stated that TEROC is a check on the program, and that the Master Plan is an important summary of its commitment and recommendations

**6b.** Department of Education (CDE) Program Report. TEROC members were provided with a sheet (see Attachment 1) outlining the overall tobacco use prevention and education program administered by the Healthy Kids Program Office with Proposition 99 funds. CDE staff explained that the program includes the "Tobacco Free Schools" entitlement funding to school districts for grades 4-8 at a rate of \$4 per child per day; the competitive grants program for grades 9-12; the collaborative TRDRP School Academic Research Award innovative grants and the promising grants programs; and the Healthy Kids Resource Center. The County Office of Education provide training and monitoring at the local level, and CDE uses its Coordinated Compliance Review system to ensure accountability.

A fact sheet on the California Healthy Kids Survey (see Attachment 2) was provided to explain the survey's history, purposes, and components. Staff explained that this survey has been out for three years and participation by school districts is voluntary. Currently, 681 school districts out of approximately 1000 districts are participating, representing approximately 89 percent of the kids. Some of the districts do not participate in the tobacco module of the survey.

**6c.** Department of Health Services (DHS) Program Report. Slides (see Attachment 3) were presented to explain the overall tobacco control tobacco use prevention and education program administered by TCS with Proposition 99 funds, including the program priorities, structure, and the local programs. The goal of the program is social norm change, and the program uses a comprehensive approach, with all of the component parts working together to accomplish one

goal. There is a recognized need for greater inclusion of the culturally specific groups and other special populations. A list of Local Lead Agencies and Competitive Grants would be provided to the members after the meeting.

The overall TCS Media campaign was described for the Committee. In response to a question regarding two specific ads that had been proposed, TCS staff reported that those two were not approved, but that the program has other ads, which have the same focus as these ads.

Slides were presented showing that pushing for social norm change actually works as demonstrated by substantial changes seen in tobacco-related behaviors in California. Consumption of cigarettes has declined by 60 percent since 1988. The decline in the percent of adults who smoke in the state is double the rest of the nation. The greatest drop in prevalence has been among African Americans, but all ethnic minority groups have dropped some. New youth data reveals a big drop in prevalence in 1999. Lung/bronchial cancer has declined in the state, even among women, while it increased in the rest of the country.

**6d.** University of California (UC) Tobacco Related Research Report. Slides and handouts (see Attachment 4) were used to describe the history of the Tobacco Related Disease Research Program (TRDRP) and the kinds of research funded. TRDRP funds a broad range of research, including biomedical, epidemiological, social behavioral, and policy. Academic research and community program activities have been brought together in special research grant awards. The research is disseminated through annual investigators meetings, conferences, newsletter, annual reports, and the TRDRP website. Some research highlights are: biomedical markers, effects of smoking on pregnancy, promising treatment in pancreatic cancer, and epidemiological studies that helped provide a research basis for the passage of AB 13. It was pointed out that TRDRP has funded much research in tobacco related issues among special populations. Everyone present was invited to the TRDRP Annual Investigators Meeting on December 6-7, 2001, in Los Angeles.

## **7. PROPOSITION 99 FISCAL YEAR 2001-02 STATE BUDGET**

The State budget materials in members' packets and additional materials were reviewed (see Attachment 5) Discussion on the budget included:

- Interest in ideas or recommendations on what additional work needs to be done and what changes are needed.
- Interest in suggestions for additional evaluation activities that could be done with more money.
- Request for a breakout of the TEROE/Evaluation line item showing TEROE costs vs. evaluation costs.
- Concern regarding the decline in the monies for the TRDRP/UC while the portion of the TRDRP/UC budget going to the California Cancer Registry is increasing. TRDRP/UC recommended that other funding sources for the Registry be found.

- Criticism of the Administration's decision to allocate additional funds to the DHS media campaign while not increasing the funds to the community programs. It was claimed that this upset the critical balance between media and local programs needed in a successful comprehensive approach.
- Concern that recent mandated budget cuts in state programs not affect the Proposition 99 funded tobacco control and research programs.
- Regarding TEROC's potential impact on the budget for the next fiscal year, it was suggested that the Committee submit recommendations to the Administration and Legislature after the Governor releases his proposed budget in January 2002.

## **8. OTHER BUSINESS AND NEXT MEETING DATES**

Richard Heintz, consultant to the Local Lead Agency Project Directors Association addressed the Committee asking it to support the re-funding of the "lose the chew" week project. The Interim Chairperson responded that TEROC does not get involved in the funding decisions of specific projects.

The Interim Chairperson reminded the members that there would be an election of the TEROC chairperson at the next meeting.

The dates for the next two TEROC meetings are:

December 3, 2001, 9:30 a.m. to 4 p.m. at a hotel at the Oakland Airport.

March 4, 2002, in Los Angeles.

## **THE MEETING WAS ADJOURNED AT 2:45 p.m.**

## **ACTION ITEMS**

1. TEROC to send letters to appointing authorities regarding January 1, 2002, term expirations.
2. TCS to send members the lists of Local Lead Agencies and Competitive Grantees.
3. TCS to provide TEROC with a breakout of TEROC/Evaluation budget line item show TEROC costs vs. evaluation costs.

Attachments